

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BUCKHORN INC., <i>et al.</i> ,	:	Case No. 3:08-cv-459
	:	
Plaintiffs,	:	Judge Timothy S. Black
v.	:	
	:	
ORBIS CORPORATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

On August 18, 2011, this Court issued the following Order:

As to Plaintiffs' Motion to Modify Designations of Defendants' Discovery Production and Deposition Testimony (Doc. 108), the Court postpones its ruling on the motion until after the parties have conferred about alternative dispute resolution. Upon such conferring, and by 8/31/11, counsel shall jointly email the Court and advise the Court whether ruling is required on the motion to modify before the prospective settlement conference, if any, is to be conducted.

In direct contravention of the Court's Order, the parties emailed the Court separately. Accordingly, all such emails are **STRICKEN**. Counsel shall not fail to abide by Court Order in the future. The Court is distressed with the attorneys' apparent inability to work together professionally to resolve modest procedural issues as evidenced by the email exchanges now stricken by the Court.

The Court has withheld ruling on the Motion to Modify Designations of Defendants' Discovery Production and Deposition Testimony (Doc. 108) to avoid potentially undermining the Court-ordered settlement conference. The Court's sense was

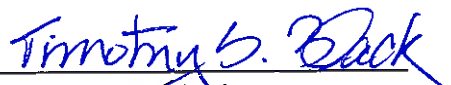
that the purpose of the motion to modify was for Plaintiffs to understand the relationship between Orbis and the third party. However, it appears that Defendants have disclosed that relationship. Accordingly, it is unclear why the designations still need to be modified. If Plaintiffs require some additional unspecified information about the relationship between Orbis and the third party, the Court needs to be privy to that request in order to rule upon the pending motion.

Therefore:

- (1) Counsel shall submit a joint email on or before 9/7/11 at 5:00 p.m. with the date of the formal settlement conference and its participants; and
- (2) If necessary, Plaintiffs shall file a supplemental memorandum of three pages or less on or before 9/7/11 as to why the motion to modify designations requires a Court ruling prior to the formal settlement conference; and
- (3) Defendants may file a written response of three pages or less to the supplemental memorandum on or before 9/12/11.

IT IS SO ORDERED.

Date: 9/2/11



Timothy S. Black
United States District Judge